

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GREATER GEORGIA LIFE	:	
INSURANCE CO.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	5:06-CV-41 (DF)
	:	
JANET M. SMITH, individually and	:	
as Executrix of the Estate of Meredith	:	
H. Smith, and MEREDITH L. SMITH,	:	
	:	
Defendants.	:	

ORDER

Before this Court is the Motion to Discharge Stakeholder (doc. 18) filed by Interpleader-Plaintiff Greater Georgia Life Insurance ("GGL"). With respect to the foregoing motion, the Court finds as follows:

WHEREAS, GGL has filed its Complaint in Interpleader in this matter and deposited funds in the amount of \$265,130.96 ("the Fund") made payable to "U.S. Courts;" and

WHEREAS, GGL claims to be an innocent stakeholder with no claim to the Fund; and

WHEREAS, Janet M. Smith, individually and as Executrix of the Estate of Meredith H. Smith, and Meredith L. Smith (“Defendants”) have set forth claims to the Fund and Defendant Meredith L. Smith has set forth a counterclaim against GGL; and

WHEREAS GGL seeks to convert the injunction entered on February 8, 2006 into a permanent injunction; and

WHEREAS GGL seeks attorney’s fees in the amount of \$2,430.00 to be applied against the Fund for the bringing of this Interpleader;

IT IS HEREBY ORDERED that GGL’s Motion to Discharge Stakeholder (doc. 18) is hereby **GRANTED IN PART**, and **DENIED** in part.

IT IS FURTHER ORDERED:

(1) That Plaintiff GGL is discharged from this proceeding;

(2) That Defendants are permanently enjoined from instituting or prosecuting against GGL any claim in any state or United States court affecting the Fund, except by way of interpleader in this action pursuant to 28 U.S.C.A. § 2361;

(3) That Defendant Meredith L. Smith's counterclaim is hereby **DISMISSED**;

(4) That Plaintiff GGL's request for attorney's fees in the amount of \$2,430.00 is **DENIED**; and

(4) That the Clerk shall reflect in its records from this date forward that GGL is removed as a Plaintiff from the caption of this case.

SO ORDERED, this 28th day of July, 2006.

/s/ Duross Fitzpatrick
DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

DF/jab